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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/581,709	10/10/2000	Joseph Wayne Forler	RCA88796	4780

7590

06/01/2005

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EXAMINER

SHANG, ANNAN Q

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/581,709

**Applicant(s)**

FORLER, JOSEPH WAYNE

**Examiner**

Annan Q. Shang

**Art Unit**

2614

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-13 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9 and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by **Perlman (5,583,576)**.

.As to claim 1-4, note the **Perlman** reference figure 1, discloses a technique for selectively inhibiting television receiving apparatus from displaying those programs which satisfy predetermined content rating criteria (col. 3, line 58-col. 4, line 19) and further discloses an apparatus, comprising:

the claimed “a data receiver for receiving a signal channel selections...” is met by IR Remote Receiver (IR-R) 202 (fig. 1 and col. 5, lines 15-32), which receives channel selections from a user via Remote Control Unit (RCU) 202;

the claimed “a signal input for receiving a program signal associated with one of a plurality of channels...” is met Tuner 204 (col. 5, lines 33-62), which receives program signals associated with one of a plurality of channels via direct satellite television broadcast transmission “digital signal packets” or over a predetermined out-of-band channel, the Tuner selecting one of the plurality of signal channels in response to RCU 202;

the claimed "a signal output for providing an output signal..." is met by Display 208 (col. 6, lines 44-58), which provides an output signal from the received program signal;

the claimed "an auxiliary data decoder for detecting program related information..." is met by Data Extractor (Data-Ext) 203 (col. 5, lines 53-62), which extracts EPG data under the control of Microprocessor 205 and stores in Memory 206;

the claimed "a processor operatively connected to the data receiver, the signal input, signal output and the auxiliary decoder..." is met by Microprocessor (MP) 205 (fig. 1, col. 5, lines 53-62, col. 6, lines 24-31 and col. 7, lines 6-65), note that MP 205 is coupled to IR-R 202, Tuner 204, Display 208 and Data-Ext 203 and where MP 205 controls Display 208 in a predetermined manner to reduce user access to the program signal via Tuner 204 when a list of channels "predetermined sequence of signal" selections is received, note the MP 205 compares the rating and stores a list of channels that meets the desired rating and controls Display 208 to display only the desired receiveable channels that are connected based on rating and permits the user to tune to any desired list of channel displayed on Display 208 (note figs 2, 3 and col. 8, line 12-col. 3, line 1+).

As to claims 5 and 6, Perlman inherent teaches where the predetermined sequence signal channel selections comprises a predetermined number of consecutive selections of a particular signal channel and where the predetermined sequence of signal channel selections comprises a predetermined number of consecutive selections of the particular signal channel, a second signal channel and a particular signal channel

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(col. 7, lines 6-63), note the MP 205 compares programs is selected channels and where two or more programs exit in a selected channel, MP 205 will compare programs within a number of consecutive channels, which further applies to selections of other selected channels and a particular selected channel.

As to claims 7-9, Perlman further discloses where the MP 205 controls Display 208 in a predetermined manner when the predetermined sequence of signal channel selections is received and a first blocking mode has been selected (col. 8, lines 38-61), where MP 205 provides the user an On Screen Display menu on Display 208 for allowing user selection of the first blocking mode and provides a restricted access for allowing user selection of the blocking mode (figs 2, 3, col. 7, lines 19-58 and col. 8, line 12-col. 3, line 1+).

As to claim 11, Perlman further disclose where if the selected program or channel is unacceptable, the MP 205 displaces a list of alternative acceptable television programs that can be received on other channels during the same time (col. 7, lines 6-19)

As to claim 12, Perlman further discloses where MP 205 controls Display 208 in a predetermined manner when the predetermined sequence of signal channel selections is detected, unless the program related information was previously determined to be within an acceptable level within a predetermined period of time (col. 7, lines 6-44)

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Perlman et al (5,583,576)** in view of **Collings (5,828,402)**.

As to claim 10, Perlman fails to explicitly teach restricting access by using a password protected on screen menu.

However, note the Collings reference teaches selective blocking of program signal and restricts excess to program using On Screen Display Menu with PIN. "password" protected (fig. 5A, col. 16, lines 50-60 and col. 12, line 44-52).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Collings into the system of Perlman to provide a password or PIN to identify a user and add addition security to the system.

As to claim 13, Perlman further teaches where Tuner 204 can receive direct satellite broadcast television, cable distribution, over-the-air broadcast, etc., but fails to explicitly teach a second input for receiving a second program signal from an external source, and a switch operatively connected to the signal input and where the MP 205 controls the second input.

However, Collings further teaches where the Inputs 32 for one or more signals, such as incoming video signal 24 and, also Audio and Video Outputs of a VCR "second

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signal” for receiving a second program stored on the VCR “an external signal source” (col. 3, lines 31-44), and a Switching means 36 and 38 connected between the Input 24, the VCR signal inputs and RF Output 34 and MPU 42, where Switch means 36 and 38 operatively coupled to respective one of the program signals with the RF Output 34 in response to a signal selection from the user, where MPU 42 controls the RF Output signal in a predetermined manner, based on the user stored blocking preferences, to reduce user access to the RF Output signal for at least until the program related information has been determined when a new signal source selection is received (col. 3, lines 45-61 and col. 12, line 30-45).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Collings into the system of Perlman to provide other input sources and control rating of other addition sources besides broadcast television and further provide the user with addition services.

### ***Response to Arguments***

5. Applicant's arguments, see **Response**, filed **01/07/05**, with respect to the rejection(s) of claim(s) 1-13 under **Collings (5,828,402)** in view of **Anderson et al (6,005,631)** have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of **Perlman et al (5,583,576)**. This office action is non-final.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Perlman (6,125,259) discloses intelligent and user friendly channel up/down control.

Casement et al (5,969,748) disclose television schedule system with access control.

Ward et al (2002/0013941) disclose V-Chip+: in guide user interface apparatus and method.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-500pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John W. Miller** can be reached on **571-272-7353**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.




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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at 866-217-9197 (toll-free).



**Annan Q. Shang.**



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